

## **REMARKS**

These remarks are responsive to the Office Action mailed on February 6, 2008 (“the Office Action”). The Applicant thanks the Examiner for a careful and thorough examination of the above-referenced Application. Applicant respectfully requests reconsideration of the pending application.

On March 27, 2008, Applicant’s counsel conducted a telephonic interview with Examiner Richard Zhu and Supervisory Examiner King Poon. Applicant set forth the following assertions, and Supervisory Examiner Poon suggested an after final response. The remarks provided herein were discussed with the Supervisory Examiner Poon and Examiner Zhu. Applicant thanks the Examiners for their time.

Applicant does not acquiesce with the remarks made by the Examiner in the Office Action. Various statements made appear to be improper. However, due to the issues discussed with the Examiner during the phone interview, which Applicant believes overcomes the substantive rejections, Applicant will not address the remarks specifically.

## **Status of the Claims**

At the time of the Office Action, Claims 1-48 remain pending.

## **35 U.S.C. § 102 Rejections**

The Examiner has rejected Claims 28-32 and 39-41 under 35 U.S.C. §102(b) as allegedly being anticipated by Hideki (JP 09-189972A). Applicant respectfully traverses this ground of rejection.

As stated in M.P.E.P. § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Claim 28 as amended previously requires a biasing mechanism disposed between the base housing and scanner bed for biasing the scanner bed from one of a first position and a second position to the other of the first position and the second position upon actuation of the interface device. Applicant believes the teachings of Hideki fail to provide any type of biasing mechanism.

First, Applicant respectfully directs the Examiner to dictionary.com, which the Examiner has cited on multiple occasions throughout the pending Office Action. Dictionary.com defines the term “bias” as to influence, and additionally, to influence in a particular direction. To the contrary, the Hideki reference fails to provide any parts that influence the scanner bed in a first or second direction. The Examiner cites drawing 2b specifically, the rollers, roller shafts and rails. However, these parts fail to *influence* the scanner bed. Instead, these parts only allow movement but do not *influence*, force, urge, or otherwise cause movement of the scanner bed relative to the housing base.

Additionally, during the interview Examiner Zhu referenced U.S. Patent No. 7,286,783, as a potential source for properly defining the term bias. The title of the patent describes a variable force biasing mechanism. In other words, the biasing mechanism causes a force on some element of the device. Such definition is consistent with that provided to Examiner Zhu and Supervisory Patent Examiner Poon during the interview.

For these reasons, Applicant maintains that the Hideki reference fails to teach or otherwise suggest any biasing mechanism since there is no description of any force urging or influence causing the scanner bed to move relative to the base housing.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited reference fails to anticipate independent Claim 28, or any claim depending therefrom. Thus, the Applicant respectfully requests that this rejection be withdrawn.

### **35 U.S.C. § 103 Rejections**

The Examiner has rejected Claims 1-17, 22-23, 26-27, 33-34, 36-38 and 43-48 under 35 U.S.C. §103(a), as allegedly being unpatentable over Hideki in view of Goshima (U.S. Patent No. 4,192,680). Applicant respectfully traverses this ground of rejection, and requests this ground of rejection withdrawn.

In order to render a claim obvious, three basic criteria must be met: (1) there must be some suggestion or motivation to modify the reference's teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference, must teach or suggest all the claim limitations. MPEP § 2143. The Applicant respectfully submits that the cited references, alone or combined, fail to teach or suggest all claim limitations of the allegedly anticipated claims.

#### **A. Independent Claim 1**

Regarding Claim 1, the Examiner has again relied upon Hideki as teaching a biasing mechanism. However, Hideki, as described above, does not teach a mechanism which influences, forces, urges or otherwise causes movement of the scanner bed relative to the base housing. Instead, the Examiner's cited rollers, roller shafts, and rails allow movement, but do not cause such movement with any type of biasing. Accordingly,

Applicant again maintains that the Hideki reference fails to teach a biasing mechanism as alleged by the Examiner.

**B. Independent Claim 11**

Regarding Claim 11, Applicant previously asserted, as explained during the interview, that the combination of Hideki and Goshima would change the intended function and use of the Goshima teachings and device in a way which may render the device inoperable. The Examiner utilizes Hideki for proposition of a scanner bed which is slidable relative to a base housing. The Goshima reference is utilized by the Examiner for the proposition that the developer assembly may be removed from the device by lifting upwardly through the base housing when the scanner is slidably moved to a specific position.

The Examiner's allegation regarding Goshima's proposed teaching is incorrect, as explained to Examiner Zhu and to Supervisor Poon in the telephone interview. The Goshima developer assembly is not lifted upwardly. The Examiner is first directed to Figure 4, which shows the developer assembly generally in the area of numerals 80, 73, 76, and 99. The rails for slidably removing the developer assembly are shown just beneath the developer area and are indicated by squares with circles disposed within the squares. The sliding structure is on the right side and left side of the elements indicated by the lead-line 74. Thus, the developer slides outwardly from the page as viewed in Figure 4. This coincides with what is indicated in Figure 3 as a door area along the corresponding side of the copier, which would be opened so that the developer assembly can be slidably removed from the side of the copier for replacement. The Examiner is further directed to Figures 15 and 16. Figure 16 shows a view of the sliding assembly,

which again would slide outwardly from the page in view depicted. Figure 15 is believed to be a top view of the assembly in Figure 16. The collars 283, 284 allow relative sliding motion between the collars and the rails 278, 279. Referring back to Figure 16, rollers 292, 293, 290, 291 all allow for this sliding motion out of the page, and out of the side of the device as indicated in Figure 4, and with the door structures in Figure 3. The Examiner is also directed to column 18, line 52 which describes the slide castings or collars 283, 284 and further describes the sliding motion of the developer assembly out of the copy machine. All of these Figures and descriptions indicate to one skilled in the art that the device slides in a horizontal fashion out of the copier, and not in a vertical fashion as alleged by the Examiner. Moreover, the Examiner is directed to Figure 4, wherein the schematics of the internal components are indicated, and clearly show that an upwardly lifting motion of the developer components would potentially damage the other components such as element 63 shown therein. Thus, the developer assembly cannot be removed in a vertical fashion, as alleged by the Examiner, but instead is removed horizontally from the side of the device. Moreover, the Examiner's alleged use of Goshima would change the intended function of Goshima in such a way as to potentially render the device damaged or inoperable.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited references fail to render obvious independent Claims 1 or 11, or any claim depending therefrom. Thus, the Applicant respectfully requests that this rejection be withdrawn and the application be moved toward allowance.

**Conclusion**

The Applicant respectfully submits that the application is in condition for allowance, and reconsideration and notice of allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with the Applicant's counsel, in person or over the telephone, the Applicant's counsel would welcome the opportunity to do so.

Respectfully submitted,

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